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FACEBOOK, INC.

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**
12

13 EPIC GAMES, INC.,
14 Plaintiff,
15 vs.
16 APPLE INC.,
17 Defendant.

Case No. 4:20-cv-05640-YGR (TSH)

**DECLARATION OF VIVEK SHARMA IN
SUPPORT OF NON-PARTY FACEBOOK,
INC.'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTION OF TRIAL
EXHIBITS**

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20 I, Vivek Sharma, declare as follows:

21 1. I am currently Vice President of Facebook Gaming at Facebook, Inc. ("Facebook").

22 I have worked for Facebook since October 2016, and have been in my current role since April
23 2019. In the course of my employment at Facebook, I have acquired personal knowledge of
24 Facebook's practices and procedures concerning the maintenance over its competitively sensitive
25 strategic and business information.
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2. I submit this declaration in support of sealing portions of certain documents produced by Facebook pursuant to third-party subpoenas that Epic Games, Inc. (“Epic”) has indicated it intends to introduce at trial in this action.

3. The following facts are true and correct to the best of my knowledge, and are based on my personal knowledge of Facebook’s practices and procedures as they relate to the treatment of Facebook’s competitively sensitive confidential information. If called upon to testify as a witness, I could and would testify competently thereto.

4. Facebook’s policies, practices, and procedures restrict Facebook employees from disclosing confidential discussions and deliberation about strategy and product features to Facebook’s competitors and business partners, as well as the general public, including through requiring employees to sign non-disclosure agreements. In my experience and to the best of my knowledge, Facebook does not disclose internal documents of this nature outside of Facebook.

5. The disclosure of Facebook’s confidential internal business and product plans, and strategies and decision-making plans, could significantly harm Facebook’s relationships and ability to do business with its business partners and potential business partners, and could place it at a significant disadvantage to competitors who could use Facebook’s confidential business and product plans, and strategies and decision-making plans to their advantage in competing with Facebook. These materials therefore have economic value from not being generally known to Facebook’s competitors, business partners, or the general public.

6. The following documents in the trial exhibits Epic and Apple have indicated Epic intends to produce at trial, which were produced by Facebook in response to third-party subpoenas, contain competitively sensitive, confidential Facebook information.

PX-2411 [EGFB-000264] (Exhibit 1)

7. This document contains confidential internal business and product plans, including for products and features that were not launched, as well as internal strategic discussions regarding business strategy, decision-making, and projected business impact regarding Facebook’s business partners and competitors. If revealed to competitors, business partners, or potential business partners, they could use this confidential information to Facebook’s disadvantage in competing

1 strategic decision-making. For this document, I have identified and proposed the following
 2 specific, limited redactions of portions of the documents containing sensitive, confidential
 3 information leaving the remaining portion unredacted.

4 8. EGFB-000264: highlighted portions;

5 EGFB-000265: highlighted portions.

6 **PX-2413 [EGFB-001138] (Exhibit 2)**

7 9. This document contains confidential internal business and product plans, as well as
 8 internal strategic discussions regarding business strategy, decision-making, and projected business
 9 impact regarding Facebook's business partners and competitors. If revealed to competitors,
 10 business partners, or potential business partners, they could use this confidential information to
 11 Facebook's disadvantage in competing strategic decision-making. For this document, I have
 12 identified and proposed the following specific, limited redactions of portions of the documents
 13 containing sensitive, confidential information leaving the remaining portion unredacted.

14 10. EGFB-001141: highlighted portions;

15 EGFB-001143: highlighted portions;

16 EGFB-001144: highlighted portions;

17 EGFB-001148: highlighted portions;

18 EGFB-001149: highlighted portions;

19 EGFB-001150: highlighted portions;

20 EGFB-001151: highlighted portions;

21 EGFB-001154: highlighted portions;

22 EGFB-001155: highlighted portions;

23 EGFB-001156: highlighted portions;

24 EGFB-001157: highlighted portions;

25 EGFB-001159: highlighted portions;

26 EGFB-001160: highlighted portions;

27 EGFB-001161: highlighted portions.

PX-2414 [EGFB-002073] (Exhibit 3) & PX-2415 [EGFB-002938] (Exhibit 4)

11. These documents contain confidential internal business and product plans, including for products and features that were not launched, as well as internal strategic discussions regarding business strategy, decision-making, and projected business impact regarding Facebook's business partners and competitors. If revealed to competitors, business partners, or potential business partners, they could use this confidential information to Facebook's disadvantage in negotiations competing strategic decision-making. For PX-2414 [EGFB-002073], I have identified and proposed the following specific, limited redactions of portions of the documents containing sensitive, confidential information leaving the remaining portion unredacted. For PX-2415 [EGFB-002938], the document consists entirely of confidential information and cannot be redacted.

12. EGFB-002073: highlighted portions;

EGFB-002074: highlighted portions.

13. To my knowledge, the confidential information discussed above is not publicly known, and Facebook recognizes and protects the enormous value of this information through its various policies and procedures designed to protect confidential information from disclosure.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 30, 2021 at Seattle, Washington.

By: 

Vivek Sharma